



## Senate

General Assembly

February Session, 2014

**File No. 279**

Senate Bill No. 309

*Senate, April 2, 2014*

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

### **AN ACT CONCERNING MUNICIPAL COSTS FOR THE CARE OF CONFISCATED ANIMALS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (f) to (k), inclusive, of section 22-329a of the  
2 general statutes are repealed and the following is substituted in lieu  
3 thereof (*Effective from passage*):

4 (f) If the court issues an order vesting the animal's temporary care  
5 and custody in some suitable state, municipal or other public or  
6 private agency or person, the owner or owners shall either relinquish  
7 ownership of the animal or post a surety bond or cash bond with the  
8 agency or person in whom the animal's temporary care and custody  
9 was vested. The surety bond or cash bond shall be in the amount of  
10 five hundred dollars for each animal placed in the temporary care or  
11 custody of such agency or person and shall secure payment for the  
12 reasonable expenses of the agency or person having temporary care  
13 and custody of the animal in caring and providing for such animal  
14 until the court makes a finding as to the animal's disposition under

15 subsection (g) of this section. The requirement that a bond be posted  
16 may be waived if such owner provides satisfactory evidence that such  
17 owner is indigent and unable to pay for such bond.

18 (g) (1) If, after hearing, the court finds that the animal is neglected or  
19 cruelly treated, it shall vest ownership of the animal in any state,  
20 municipal or other public or private agency which is permitted by law  
21 to care for neglected or cruelly treated animals or with any person  
22 found to be suitable or worthy of such responsibility by the court.

23 (2) If, after hearing, the court finds that the animal is so injured or  
24 diseased that it should be destroyed, the court may order that such  
25 animal be humanely destroyed.

26 (3) If, after hearing, the court finds that the animal is not neglected  
27 or cruelly treated, it may cause the animal to be returned to its owner  
28 or owners or person having responsibility for its care or, if such owner  
29 or owners or person is unknown or unwilling to resume caring for  
30 such animal, it may vest ownership of the animal in any state,  
31 municipal or other public or private agency or person found to be  
32 suitable or worthy of such responsibility.

33 (4) If the court makes a finding under subdivision (1) or (2) of this  
34 subsection less than thirty days after the issuance of an order of  
35 temporary care and custody and the owner of the animal has posted a  
36 bond, the agency or person with whom the bond was posted shall  
37 return the balance of such bond, if any, to the owner. The amount of  
38 the bond to be returned to the owner shall be calculated at the rate of  
39 fifteen dollars per day per animal or twenty-five dollars per day per  
40 animal if the animal is a horse or other large livestock for the number  
41 of days less than thirty that such agency or person has not had  
42 temporary care and custody of the animal less any veterinary costs and  
43 expenses incurred for the welfare of the animal.

44 (5) If the court makes a finding under subdivision (3) of this  
45 subsection after the issuance of an order of temporary care and  
46 custody and the owner of the animal has posted a bond, the agency or

47 person with whom the bond was posted shall return such bond to such  
48 owner.

49 (h) If the court finds that the animal is neglected or cruelly treated,  
50 the expenses incurred by the state or a municipality in providing  
51 proper food, shelter and care to an animal it has taken custody of  
52 under subsection (a) or (b) of this section and the expenses incurred by  
53 any state, municipal or other public or private agency or person in  
54 providing temporary care and custody pursuant to an order vesting  
55 temporary care and custody, calculated at the rate of fifteen dollars per  
56 day per animal or twenty-five dollars per day per animal if the animal  
57 is a horse or other large livestock until the date ownership is vested  
58 pursuant to subdivision (1) of subsection (g) of this section shall be  
59 paid by the owner or owners or person having responsibility for the  
60 care of the animal. In addition, all veterinary costs and expenses  
61 incurred for the welfare of the animal that are not covered by the per  
62 diem rate shall be paid by the owner or owners or person having  
63 responsibility for the animal.

64 (i) If the court vests ownership of the animal in the Commissioner of  
65 Agriculture or a municipality, the commissioner or the municipality  
66 may conduct or participate in a public auction of the animal under  
67 such conditions the commissioner or the municipality deems necessary  
68 or the commissioner or the municipality may consign the animal to an  
69 auction or sell the animal through an open advertised bid process  
70 whereby bid price and demonstration of sufficient knowledge and  
71 ability to care for such animal are factors for the commissioner's or  
72 municipality's consideration. All moneys collected from the sale of  
73 animals sold by the Commissioner of Agriculture through such open  
74 advertised bid process shall be deposited in the animal abuse cost  
75 recovery account established in subsection (j) of this section. All  
76 moneys collected from the sale of animals sold by a municipality  
77 through such open advertised bid process shall be deposited by the  
78 town treasurer or other fiscal officer in the town's general fund. The  
79 commissioner or the municipality may also vest ownership of any such  
80 animal in an individual or a public or private nonprofit animal rescue

81 or adoption organization.

82 (j) There is established a separate, nonlapsing account within the  
83 General Fund, to be known as the "animal abuse cost recovery  
84 account". All moneys collected from sales at public auction of animals  
85 seized by the Department of Agriculture pursuant to this section shall  
86 be deposited into the account. Deposits of moneys may be made into  
87 the account from public or private sources, including, but not limited  
88 to, the federal government or municipal governments.

89 (k) Notwithstanding any provision of the general statutes, any  
90 moneys received by the Department of Agriculture pursuant to  
91 subsection (j) of this section shall be deposited in the General Fund and  
92 credited to the animal abuse cost recovery account. The account shall  
93 be available to the Commissioner of Agriculture for the purpose of the  
94 housing, care and welfare of any animal seized by the department,  
95 until final disposition of such animal and for the purpose of providing  
96 reimbursement to any municipal, public or private agency or person  
97 for the costs of providing temporary care to such animal if such  
98 temporary care exceeded thirty days in duration and such costs exceed  
99 the amount of any surety bond posted pursuant to subsection (f) of this  
100 section. Nothing in this section shall prevent the commissioner from  
101 obtaining or using funds from sources other than the account for the  
102 housing, care and welfare of any animal seized by the department  
103 pursuant to this section.

104 Sec. 2. Subsection (e) of section 22-380g of the 2014 supplement to  
105 the general statutes is repealed and the following is substituted in lieu  
106 thereof (*Effective from passage*):

107 (e) Any revenue collected pursuant to the provisions of sections 22-  
108 380f and 22-380l shall be deposited in the animal population control  
109 account. All money in the account shall be used by the commissioner  
110 exclusively for (1) the implementation and promotion of the animal  
111 population control program, (2) the costs associated with the  
112 administration of such program, provided not more than two hundred  
113 twenty-five thousand dollars may be expended for administrative

114 costs per year, [and] (3) reimbursement of persons completing a  
115 training program pursuant to subsections (c) and (d) of section 22-328,  
116 for the costs of such program, and (4) reimbursement to any  
117 municipal, public or private agency or person for the costs of  
118 providing temporary care to any animal pursuant to section 22-329a, as  
119 amended by this act, if such temporary care exceeded thirty days in  
120 duration and such costs exceed the amount of any surety bond posted  
121 pursuant to subsection (f) of section 22-329a, as amended by this act.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	22-329a(f) to (k)
Sec. 2	<i>from passage</i>	22-380g(e)

**ENV**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### ***OFA Fiscal Note***

#### ***State Impact:***

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 15 \$</b>	<b>FY 16 \$</b>
Department of Agriculture	GF - Cost	Potential	Potential

#### ***Municipal Impact:***

<b>Municipalities</b>	<b>Effect</b>	<b>FY 15 \$</b>	<b>FY 16 \$</b>
Various Municipalities	Revenue Gain	Potential	Potential

### ***Explanation***

The bill increases, from \$500 total to \$500 per animal, the amount that an animal owner must post, through a surety or cash bond, with an entity who is providing temporary care and custody of neglected or cruelly treated animals. It is anticipated that animal owners would surrender animals to municipalities rather than pay \$500 each for a surety or cash bond. Therefore, to the extent municipalities are granted temporary care and control of these animals, there may be a revenue gain if more than one animal is surrendered.

The bill also requires the Department of Agriculture to use (1) the Animal Abuse Cost Recovery Account (AACR) and (2) the Animal Population Control Account (APC) to reimburse municipalities for the cost of providing temporary care to animals under certain conditions.<sup>1</sup> To the extent this occurs, there could be a cost to the state and a revenue gain to any municipality who cares for these animals.

<sup>1</sup> The available cash balance in the AACR account is currently \$37,497 and the available cash balance in the APC account is currently \$983,582.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to actual expenses incurred by municipalities for the provision of temporary animal care.

---

**OLR Bill Analysis****SB 309*****AN ACT CONCERNING MUNICIPAL COSTS FOR THE CARE OF  
CONFISCATED ANIMALS.*****SUMMARY:**

By law, a court may vest temporary ownership of neglected or cruelly treated animals in a state, municipal, or other agency or person. When it does this, the animals' owner must either (1) give up ownership of the animals or (2) post a surety or cash bond with the agency or person in whom the court vested the animals' temporary care and custody. This bill increases the bond amount from \$500 total to \$500 per animal.

The bill also expands the Department of Agriculture (DoAg) commissioner's use of the animal abuse cost recovery and animal population control accounts. It requires him to use these accounts to reimburse a municipal or other public or private agency or person for the cost of providing temporary care to animals that either lasts more than 30 days or exceeds the posted bond amount.

EFFECTIVE DATE: Upon passage

**BACKGROUND*****Animal Abuse Recovery Account***

By law, the commissioner uses the animal abuse recovery account to cover the cost of housing and caring for animals DoAg seizes. The account is made up of (1) money DoAg collects from sales of seized animals at public auctions and (2) public or private donations.

***Animal Population Control Account***

By law, the commissioner uses the animal population control account to (1) implement, promote, and administer the animal



population control program and (2) reimburse people completing animal control officer training. The account is made up of money collected from municipal pound adoption fees and license surcharges on unspayed or unneutered dogs.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea    28    Nay   0    (03/17/2014)